

Application No. 09/828,619

REMARKS

Claims 2-5, 7-9, 12-15 and 17-19 are pending. By this Amendment, claims 2, 5, 7-8, 12-13, 15, and 17-18 are amended, claims 20 and 21 are added, and claims 9 and 19 are cancelled.

Drawing Amendments

The attached proposed drawing amendments are believed to overcome the drawing objections by the examiner.

Claim Amendments

Claims 2, 5, and 7-8 have been amended to include an element intrinsic to the overall nature of the invention. Claims 12-13, 15, and 17-18 have been amended to clarify the claim scope. Claims 20 and 21 have been added to include additional limitations by way of depending claims.

Claim Rejections -- 35 USC § 102

Claims 2, 8-9, and 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Crane.

Applicant has amended claims 2 and 8 to include the element of one or more mountable post-surgical drainage reservoirs with drainage tubes. This drainage reservoir inclusion is supported by disclosure throughout the specification, for example page 3, line 19 – page 2, line 3. The drainage tube as part of drainage reservoir was disclosed at page 1, line 22 and was shown in the original figures submitted. ^{where} With this additional inclusion, Applicant respectfully suggests that the Crane reference no longer reads upon claims 2 or 8.

Furthermore, to the extent claim 8 includes this additional element, claim 8 no longer functionally claims any devices. Claim 9 has been canceled without prejudice.

Finally, Applicant has amended claim 12 to reference post-surgical drainage reservoirs with drainage tubes. It is a well-settled proposition of patent law that statements in the preamble may not be disregarded in determining patentability. *In re Duva*, 156 USPQ 90.

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Applicant respectfully submits that the method in amended claim 12 of supporting one or more mountable *post-surgical drainage reservoirs* on an individual is not inherent within the use of the strap assembly of the Crane reference.

As such, Applicant respectfully requests that the rejection to claims 2, 8-9, and 12 under 35 USC § 102 be withdrawn.

Claim Rejections -- 35 USC § 103

Claims 2, 3, 5, 7-9, 12-13, 15, and 17-18 stand rejected under 35 USC § 103(a) as being unpatentable over McCook in view of Knerr.

Applicant has amended claims 2, 5, 7, and 8 to include the element of one or more post-surgical drainage reservoirs with drainage tubes. As previously discussed, this inclusion is supported by the specification. Applicant respectfully suggests that claims 2, 3, 5, and 7-8 would not be obvious to one skilled in the art of strap assembly design for post surgical use light of the referenced prior art.

Applicant has also amended claims 12-13, 15, and 17-18 to reference post-surgical drainage reservoirs. As previously discussed, Applicant respectfully submits that the method in amended claims 12-13, 15, and 17-18 of supporting one or more mountable *post-surgical drainage reservoirs* on an individual is not inherent within the use of either the modified strap assembly of McCook or the strap assembly of Crane.

As such, Applicant respectfully requests that the rejection to claims 2, 3, 5, 7-9, 12-13, 15, and 17-18 under 35 USC § 103 be withdrawn.

Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

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The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

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Fig. 4

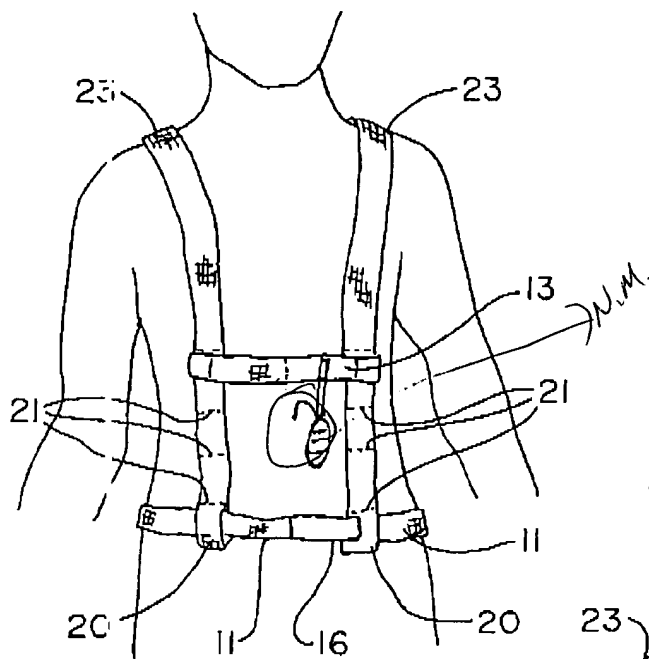


Fig. 5

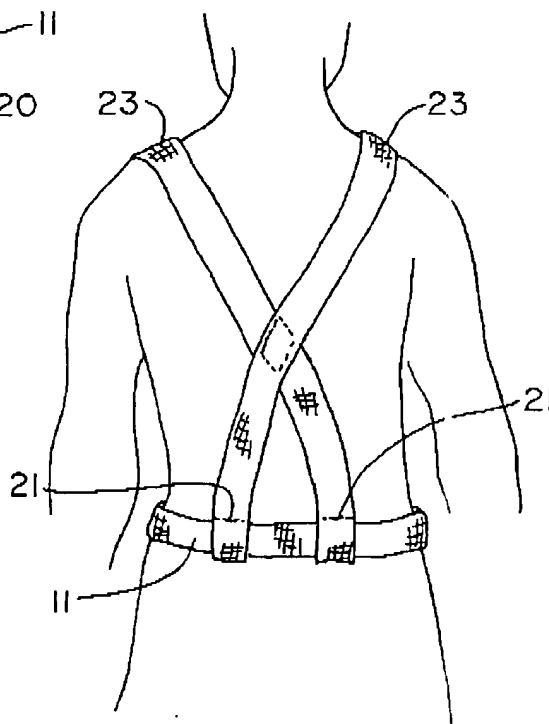


Fig. 5A

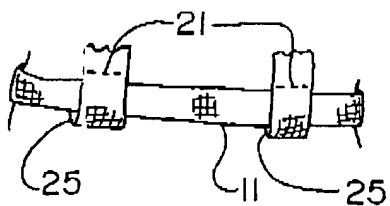


Fig. 9

